

# Exhibit 16

Declaration of Andy Nelson  
(Nov. 22, 2023)

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**UNITED STATES DISTRICT COURT, DISTRICT OF MONTANA  
BUTTE DIVISION**

THE IMPERIAL SOVEREIGN COURT  
OF THE STATE OF MONTANA; ADRIA  
JAWORT; RACHEL CORCORAN; THE  
MONTANA BOOK COMPANY; IMAGINE  
BREWING COMPANY, LLC d/b/a  
IMAGINE NATION BREWING  
COMPANY; BUMBLEBEE AERIAL  
FITNESS; MONTANA PRIDE; THE  
WESTERN MONTANA COMMUNITY  
CENTER; THE GREAT FALLS LGBTQ+  
CENTER; THE ROXY THEATER; and  
THE MYRNA LOY,

*Plaintiffs,*

vs.

AUSTIN KNUDSEN; ELSIE ARNTZEN;  
J.P. GALLAGHER; and the CITY OF  
HELENA,

*Defendants.*

Cause No. CV 23-50-BU-  
BMM

**Declaration of Andy Nelson,  
Executive Director of The  
Western Montana  
Community Center**

I, Andy Nelson, declare as follows:

1. I am over 18 years of age and a resident of Missoula, Montana.
2. I am the executive director of The Western Montana Community Center (“The Center”), an LGBTQ+ community space, advocacy organization, and resource-sharing nonprofit in Missoula, Montana.
3. The Center maintains a physical location in Missoula at which it hosts events, and it produces events throughout the city and western Montana.
4. The Center serves approximately 25,000 people each year through programming, events, and resource-sharing.
5. The Center is an open and affirming environment for people of all sexual orientations and gender identity expressions. The Center seeks to empower the LGBTQ+ community and its allies through education, advocacy, and collaborative networking.
6. The Center’s ultimate goal is to foster a community in Western Montana where LGBTQ+ individuals feel proud and safe to be themselves.

7. To support its mission, The Center holds events and offers community space to groups in the LGBTQ+ and allied community.
8. In June 2023, The Center produced Missoula Pride, an annual event that celebrates the LGBTQ+ community through events including storytelling, dancing, a parade, and drag performances. Approximately 20,000 people attended Missoula Pride in 2023.
9. The Center hosts a variety of other events open to the community, including queer proms, readings, barbecues, clothing drives, educational opportunities, support groups, craft markets, and potlucks. Many of these events involve drag performances.
10. The Center also offers a range of health-related services, including free HIV and STI testing, health education programming, and health-related community outreach.
11. Since the 2023 legislative session, The Center has fielded numerous questions from its members and the wider community regarding what HB 359 does and does not prohibit.
12. The Center has been unable to determine the scope of HB 359's restrictions because of the law's ambiguous language. The Center



has been unable to answer many questions about what HB 359 prohibits.

13. The Center and the people it serves have refrained from speech and conduct that they otherwise would have engaged in before the passage of HB 359.
14. For example, The Center has restricted audiences for drag performances that had not been age-restricted in prior years. During Missoula Pride in 2023, The Center held its annual drag brunch at the University of Montana. Because the venue was publicly owned, The Center required attendees to be 18 years or older to attend. The Center advertised the event as an 18+ show. The drag brunch did not include performances involving violence or nudity, and its content was appropriate for teenagers and adults. If it were not for HB 359, The Center would not have been forced to check IDs at the door.
15. Some drag performers chose not to participate in Missoula Pride because of their fear of civil and criminal liability under HB 359. I personally had conversations with performers who were


considering whether to perform during Missoula Pride. They expressed concern about being arrested for performing in drag.

16. HB 359 appears to prohibit many of the costumes and performances—including, but not limited to, drag shows—that make our events special and unique celebrations of LGBTQ+ joy.
17. HB 359 has created a culture of fear and uncertainty within the LGBTQ+ community, as individuals are unable to determine what is legal and what is not.
18. In my capacity as Executive Director of The Center, I have personally had conversations with LGBTQ+ individuals who have avoided attending drag events because they were afraid of being labeled as pedophiles due to the divisiveness created by HB 359. Our events do not harm children in any way, shape, or form.
19. HB 359 directly interferes with The Center's mission of creating an open and loving environment for all LGBTQ+ people and allies. HB 359 criminalizes drag, a form of self-expression that the Center celebrates. HB 359 perpetuates a false and hateful belief that contact with the LGBTQ+ community is harmful for children.

20. As executive director of The Center, I am concerned about civil and criminal liability under HB 359, both on my behalf and that of others. I do not know how to limit my potential liability or the liability of The Center's staff and the broader community that we serve.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 22nd day of November, 2023.

  
Andy Nelson